

STATE OF NORTH DAKOTA

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF TRAFFIC SAFETY
608 EAST BOULEVARD AVENUE
BISMARCK, NORTH DAKOTA 58505-0700**

Request for Proposals (RFP) for Traffic Safety Grants

**RFP Title: STATEWIDE TRAFFIC AND CRIMINAL SOFTWARE (TraCS)
COORDINATOR**

Date of Issue: August 6, 2006

The North Dakota Department of Transportation, through its Office of Traffic Safety (OTS), is requesting proposals from grant applicants who are interested in the continued implementation and software development of the TraCS program.

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SECTION ONE

GENERAL INFORMATION

Background

The state of North Dakota has received funding, through SAFETEA-LU, to continue its quest for a comprehensive traffic records information system. The revised Traffic Records System Strategic Plan (TRSSP) will be the guiding force in maintenance and implementation of the plan. The rationale of the NDDOT's Traffic Records Strategic Plan is to define multi-year strategies to make the analysis and publication more efficient, timely, and accurate. This plan also sets forth our efforts to build a more integrated, statewide traffic records information system by defining the projects and initiatives for the next four years.

Objective

The intent of this request for proposals is to contract with an individual or entity to maintain and continue implementation of Traffic and Criminal software (TraCS) and related projects for North Dakota, in cooperation with the TRSSP, as approved by the North Dakota Traffic Records Coordinating Committee (NDTRCC). One of the main objectives of the NDTRSSP is to enhance the crash reporting system by providing law enforcement with the tools necessary to submit crash reports electronically.

The primary goal of this request for proposals is to maintain and tailor TraCS to fit the needs of ND law enforcement, and then dispense this tool to as many law enforcement agencies in the state as possible. While there are over 175 law enforcement agencies who investigate crashes, approximately 45 of them submit over 90% of the crash reports annually. The goal of the TRSSP is to enhance TraCS, continue deployment, and train five law enforcement agencies each year for the next four years.

The individual or entity must have the resources to provide any system development as needed to implement TraCS. This contract will run for a minimum of one year and may be renewed. The proposal will be valid for FY 2007 through FY 2009. Future funding will be dependent on the availability and status of federal funds.

This request for proposals does not include any requirements for the procurement of hardware. However, the NDTRCC is charged with the responsibility of assisting law enforcement agencies needing additional hardware or software resources.

The continuation of this project is supported by the North Dakota Department of Transportation (NDDOT) executive management and has interdepartmental support through the efforts of the NDTRCC.

SECTION TWO

GENERAL REQUIREMENTS

State Program Manager

The state of North Dakota's program manager is:

Lynn Heinert
Traffic Records Manager
North Dakota Department of Transportation
Office of Traffic Safety
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700
Phone: (701) 328-4352
Fax: (701) 328-2435
E-mail: lheinert@nd.gov

Vendor Requirements

At a minimum, the proposal shall clearly include the following:

- Correspondence describing the qualifications, skills, and experience of the entity or individual as it relates to maintenance and implementation of an electronic crash reporting system.
- Letters of recommendation based on experience in project management and system development.
- Current resume(s).
- A detailed proposal along with a budget describing the following:
 1. The type of experience in program development and information technology.
 2. A situation or special project where you worked with several individuals or entities and describe the outcome.
 3. Hourly rates for various components of proposal and any administrative expenses including overhead expenses (provide description of services with hourly rates).

All elements must be included in the proposal to be given full consideration. Failure to provide all defined elements may result in disqualification.

TraCS Coordinator Skills and Qualifications

This job requires the ability to work with a variety of personnel in a wide range of activities. It is important that the project coordinator have appropriate experience and education to meet the responsibilities:

- Considerable experience and skill in project management and information technology
- Advanced training or degree preferred
- Skills to coordinate efforts of various independent agencies and NDTRCC participants
- Knowledge of the latest developments in information technology, especially relating to electronic transfer of data
- Ability to define problems and recommend solutions
- Ability to plan, set goals and objectives, and make long-term goals
- Proficiency in preparing a clear, well-organized plan
- Ability to operate a personal computer with efficiency and create documents, graphs, and forms
- Ability and willingness to seek support for the program to accomplish the goals and objectives set forth
- Skill in preparing and delivering oral presentations
- Knowledge of structure and personnel related to ND traffic records systems
- Knowledge of contracting procedures – this is a reimbursement grant
- Skills in budgeting and accounting
- Ability to establish and maintain working relationships with traffic safety staff and participating agencies
- Experience or training in the technical aspects of data systems

TraCS Coordinator Administrative Duties and Activities

- Coordinate all activities with the ND Office of Traffic Safety (OTS)
- Monitor progress by conducting periodic visits with key people to review project status
- Develop all activity reports
- Coordinate and conduct the project evaluation activities to ensure the evaluation meets specific criteria specified in the grant
- Keep the ND traffic records manager informed of all activities, problems, or changes to the program, providing her with monthly activity reports and a final report describing the objectives accomplished
- The TraCS coordinator must have at their disposal sufficient staff and resources to complete this proposal including software developers to continue implementation of the TraCS tools.

Liability Insurance Requirements

The vendor must secure and maintain, during the term of this agreement, commercial general liability (\$250,000 per person and \$1,000,000 per occurrence), auto liability (\$250,000 per person and \$1,000,000 per occurrence), and worker's compensation insurance requirements (statutory limits) as outlined in the Risk Management Appendix of the NDDOT Traffic Safety

contract. The state of North Dakota shall be endorsed on the commercial general liability and automobile liability policies as additional insured. This expense is not eligible for reimbursement under the terms of the contract.

Vendor Facility

The vendor must maintain a project management office and must be accessible to the state office during the duration of this project. This office shall be responsible for administrative functions, project coordination, system development, and implementation. The vendor must currently have sufficient resources and infrastructure (i.e.; computer equipment) to successfully complete the proposed project.

Contract Termination

If the vendor fails to properly perform its obligations under this contract, or violates any terms of this contract, the state shall have the right to immediately terminate the contract and withhold payment in excess of fair compensation for completed services that have added value to the project. The vendor shall not be relieved of liability to the state for damages sustained by virtue of any breach of this contract by the vendor.

Financial Records

The vendor shall maintain documentation for all charges against the state under this contract. The books, records, and documents of the vendor, insofar as they relate to work performed or money received under this contract, shall be maintained for a period of three full years from the date of the final payment, and shall be subject to audit, at any reasonable time and upon reasonable notice, by the state agency or the State Auditor's Office or their duly appointed representatives. These records shall be maintained with generally accepted accounting principles.

Reporting Requirements

Submission of monthly progress reports and an annual report to the ND OTS will be required on the identified due date. Attention to detail and follow-up will be critical to maintaining project progress.

No Disclosure

No use or disclosure of price, terms, or techniques contained in the proposals will be made to any individual or entity outside the NDDOT unless required by North Dakota's open records law, NDCC 44-04-18. In the event of an award, the reports submitted pursuant to the requirements of such contract, by the contractor receiving the award may be disclosed, reproduced, etc., at NDDOT's option. NDDOT is a public agency and is subject to North Dakota's open records law. At the conclusion of the selection process, the contents of all proposals will be placed in the public domain and will be open to inspection by interested parties. Trade secrets or proprietary information, if they are recognized as such and protected by law, may be withheld if **clearly**

identified in the proposal by the contractor; however, NDDOT reserves the right to make the final determination as to trade secrets or propriety information.

Ownership of Proposals

All proposals submitted regarding this RFP become the property of NDDOT.

Completeness of Information, Future Negotiations, and Right to Reject

NDDOT reserves the right to seek or require verification, validation, or clarification of data and information presented in the proposals.

NDDOT reserves the right to further negotiate with any potential consultant after proposals are opened, to conduct a secondary selection process with any firms submitting proposals, and to reject any or all proposals.

SECTION THREE

PROPOSAL REQUIREMENTS

Proposal Preparation

All costs associated with the preparation, delivery, and presentation of proposals shall be the sole responsibility of the vendor.

Submittal of Proposal

Each vendor's proposal shall be sealed and must be signed by an authorized agent of the vendor. Applicants must submit one signed original and one copy of their proposal in a sealed envelope or package.

Envelopes or packages containing proposals must be clearly addressed as described below to ensure proper delivery.

**North Dakota Department of Transportation
Office of Traffic Safety
Attention: Lynn Heinert
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700
Phone: (701) 328-4352
Fax: (701) 328-2435**

To avoid being inadvertently opened prematurely by state personnel, each proposal shall be submitted in envelopes clearly marked as such:

**PROPOSAL OPENING
TraCS COORDINATOR
NOON CENTRAL DAYLIGHT TIME
AUGUST 28, 2006**

It is the sole responsibility of the vendor to ensure that his or her proposal arrives at the proper place and time. Proposals received after the specified date/time will not be accepted. Proposals will not be publicly read at opening.

Proposals may not be delivered orally, by facsimile transmission, or by other telecommunication or electronic means. Applicants assume the risk of the method of dispatch chosen. The state assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt by the state. A grant applicant's failure to submit its proposal prior to the deadline will cause the proposal to be rejected. Late proposals or amendments will not be opened or accepted for evaluation.

Schedule of Events

This schedule of events represents the state's best estimate of the schedule that will be followed for this RFP. If a component of this schedule, such as the deadline for receipt of proposals, is delayed, the rest of the schedule will be shifted by the same number of days.

The approximate RFP schedule is as follows:

RFP MILESTONE	DATE
Release of RFP	August 4, 2006
Deadline for receipt of written questions related to the RFP and application process	August 18, 2006
Deadline for receipt of proposals from Grant applicants	August 28, 2006
Committee evaluation completed approximately	September 8, 2006
Grant applicant interviews (if needed) approximately	September 14 & 15, 2006
Notice of Intent to Award Grant	September 20, 2006
Contract start date	October 1, 2006

Withdrawal and Modification of Proposals

Upon proper written application, a proposal may be withdrawn by the vendor at any time up to opening. No modifications will be permitted once a proposal has been submitted.

Proposal Held Firm

Proposals shall be valid for at least 90 days after the proposal opening date to afford the state adequate time to analyze the proposals and award a contract.

Grant Applicant Interview

At the discretion of the state, grant applicants may be required to participate in personal interviews.

Assistance to Grant Applicants With a Disability

Grant applicants requiring accommodation for a disability should contact the program manager prior to the deadline for receipt of proposals so that reasonable accommodation can be made.

Deadline For Receipt of Questions

Grant applicants must carefully review this RFP, the contract requirements, risk management provisions, and all attachments. All questions and requests for clarification must be in writing and directed to the OTS, addressed to the program manager, and cite the subject RFP. The program manager must receive these written requests by the deadline for questions specified in the RFP Schedule of Events to allow issuance of any necessary amendments.

If the question may be answered by directing the questioner to a specific section of the RFP, then the program manager may answer the question over the telephone. Other questions may be more complex and may require a written amendment to the RFP. The program manager will make this determination. Oral communication is considered unofficial and non-binding on the state. The grant application must confirm telephone conversations in writing.

Amendments to the RFP

All amendments to this RFP will be posted on the NDDOT, Drivers License and Traffic Safety Division Web site at www.dot.nd.gov/dlts. The solicitation and amendments will be posted on this Web site until the deadline for receipt of proposals. Grant applicants are responsible for checking the Web site for amendments to the RFP.

Basis of Award

A contract will be awarded on the basis of information contained within the proposals as well as information obtained from outside sources.

The state reserves the right to accept and/or reject any and/or all proposals and to award a contract which the state considers the most advantageous to the state and its citizens.

The state reserves the right to make an award without further discussion of the proposal submitted. The proposal should be initially submitted on the most favorable terms the vendor can offer. The vendor shall specifically stipulate that the proposal is predicated upon the acceptance of all terms and conditions stated in the Request for Proposal. It is understood that the proposal will become a part of the official file on this matter, without obligation to the state.

The evaluation process is designed to award the contract not necessarily to the proposal of least cost, but rather to that proposal with the best combination of attributes based upon the evaluation criteria.

Vendors who are eliminated from further competition will be mailed notification by the state as soon as practical.

Evaluation

Proposals will be evaluated on the basis of quality of the proposal and understanding specific requirements, demonstrated ability to perform services, quality of staff including knowledge of traffic records and traffic safety issues, past and present business relationships, and budget.

SECTION FOUR

SCOPE OF WORK

Overview

The NDDOT and the TRCC have chosen the Iowa National Model – Traffic and Criminal Software (TraCS) as the tool for the Electronic Crash Reporting System (ECRS). The TraCS coordinator will be responsible for the continuation of the modifications of the existing model to fit NDDOT's crash reporting form, validations, and database structure. They will also play an integral part in the continued implementation and deployment of the ECRS project on a statewide basis.

The TRCC works toward enhancing traffic records systems and processes that will be more responsive to the needs of the stakeholders and provide the necessary information for traffic safety planning, management, and evaluation. The TraCS coordinator will be an active member of the TRCC and work with other members to help develop and implement several projects in the TRSSP. These projects will include, but are not limited to:

- Traffic Records Coordinating Committee (TRCC)
- Crash Report Training to Law Enforcement
- Electronic Citation Module for TraCS
- Minimum Model Uniform Crash Criteria (MMUCC) Compliance
- Location Tool Module for TraCS
- Continued Deployment of Electronic Crash Reporting System (ECRS)

Traffic Records Coordinating Committee (TRCC)

This committee, which will participate in the maintenance and continued implementation of the TRSSP, is composed of managers, supervisors, department heads, and others in local, state, and federal departments and organizations who work with traffic records. The TraCS coordinator will be an active member of the committee by attending the quarterly meetings, presenting progress reports, and working with sub groups of the committee as required.

Crash Report Training to Law Enforcement

The ND OTS is responsible for the development of training programs for completing the crash reports by law enforcement. Currently, training is provided, in person, for agencies using TraCS, and a user manual is provided for completion of paper forms. The TRSSP includes a project to improve upon the training provided to law enforcement through a revision of the classroom training and to develop a Web-based or CD training module. The TraCS coordinator will be responsible for working with the OTS to revise the classroom training and to research and develop either a Web-based or CD training module.

Electronic Citation Module for TraCS

This project will entail the development of a citation form within TraCS and the transfer of the information to the appropriate court. The purpose of this project is to improve the accuracy of the citation information, the uniformity of the violation information on the citation, the integration of systems, and the accessibility of citation information for courts, law enforcement, and driver records.

Minimum Model Uniform Crash Criteria (MMUCC) Compliance

This project will entail assisting the Traffic Records manager review the MMUCC data elements and attributes currently being collected, or not being collected, and the adoption of using the maximum number of MMUCC elements and attributes. This will include any enhancements to TraCS to accommodate any additional requirements.

Location Tool Module for TraCS

This project would entail the continuation of the development and deployment of the location tool within TraCS to law enforcement agencies within ND, thereby improving the accuracy of the crash location data.

Continued Deployment of Electronic Crash Reporting System (TraCS)

This project would entail the continued deployment of TraCS to five additional law enforcement agencies each year. This includes the installation of TraCS software and hardware and training officers and administrative personnel on all aspects of TraCS. It also includes the maintenance of the TraCS program.

Quality Assurance

The scope of work will be monitored by the OTS Traffic Records manager. Oversight will include, but will not be limited to, desktop and on-site monitoring of program finances and operations. This will include identification and written notification of issues and/or concerns that could significantly affect the maintenance, development, and continued implementation of TraCS.

Contractor-furnished Property/Services

The grant applicant will be required to submit reimbursement vouchers within 30 after expenditures are made. Grant applicants must also maintain financial records, retain supporting documentation, and keep records for the projects.

SECTION FIVE

GENERAL CONTRACT INFORMATION

Contract Term, Extension, and Renewal Options

This schedule of events represents the state's best estimate of the contract schedule that will be followed. If a component of this schedule—such as the award date—is delayed, the rest of the schedule will be shifted by the same number of days. This RFP will be a three-year proposal with an updated budget and budget narrative page for each subsequent contractual year. At the end of the three years, the grant recipient must reapply by submitting a new proposal. The contract runs on the federal fiscal year of October 1 through September 30.

Proposal as a Part of the Contract

Part or all of this RFP and the successful proposal may be incorporated into the contract.

Additional Terms and Conditions

The state reserves the right to add, delete, or modify terms and conditions during contract negotiation. These terms and conditions will be within the scope of the RFP and will not affect the proposal evaluation.

Contract Approval

This RFP does not, by itself, obligate the state. The state's obligation will commence when the director of NDDOT approves the contract. The state will not be responsible for any work done by the contractor, even work done in good faith, if it occurs prior to the contract start date set by the state.

Contract Changes – Unanticipated Amendments

During the course of this contract, the contractor may be required to perform additional work. That work will be within the general scope of the initial contract. When additional work is required, the program manager designated by the state will:

- provide the contractor with a written description of the additional work;
- request that the contractor submit a firm-time schedule for accomplishing the additional work;
- request a firm price for the additional work; and
- cost and pricing data must be provided to justify the cost of amendments.

The contractor will not commence additional work until the program manager has secured any required state approvals necessary for the amendment and issued a written contract amendment, approved by the OTS.

Contract Funding

Approval or continuation of a contract resulting from this solicitation is contingent upon continuing appropriations. The contract may be terminated by the state or modified by agreement of both parties in the event funding from federal, state, or other sources is not obtained and continued at sufficient levels.

Payment Terms

No payment will be made until the NDDOT and OTS approve the contract. Payment for services under contract will normally be made within 45 calendar days after receipt and acceptance by the OTS, or after receipt of a correct invoice, whichever is later. Payment inquiries must be directed to the program manager at the OTS.

Inspection & Modification – Reimbursement for Unacceptable Deliverables

The contractor is responsible for the completion of all work set out in the contract. All work is subject to inspection, evaluation, and approval by the program manager designated by the state. The state may employ all reasonable means to ensure that the work is progressing and being performed in compliance with the contract. Should the program manager determine that corrections or modifications are necessary in order to accomplish its intent; the program manager may direct the contractor to make changes. The contractor will not unreasonably withhold changes.

Substantial failure of the contractor to perform the contract may cause the state to terminate the contract. In this event, the state may require the contractor to reimburse monies paid (based on the identified portion of unacceptable work received) and may seek associated damages.

Termination for Default

If the program manager, designated by the OTS, determines that the contractor has refused to perform the work or has failed to perform the work with diligence as to ensure its timely and accurate completion, the state may, by providing written notice to the contractor, terminate the contractor's right to proceed with part or all of the remaining work.

Open Records Law – Confidentiality

Any records that are obtained or generated by the contractor under this contract are subject to the ND Open Records Law regarding public records and handling of confidential information.

Work Product, Equipment, and Material

All work products, equipment, or materials created or purchased under this contract belong to the state and must be delivered to the state at the state's request upon termination of this contract, unless otherwise agreed in writing by the OTS.

Independent Entity

The contractor is an independent entity under this contract and is not a state employee for any purpose. The contractor retains sole and absolute discretion in the manner and means of carrying out the contractor's activities and responsibilities under the contract, except to the extent specified in the contract.

Assignment

The contractor may not assign or otherwise transfer or delegate any right or duty without the state's express written consent. However, the contractor may enter into subcontracts, provided that the subcontract acknowledges the binding nature of this contract and incorporates this contract including any attachments.

Disputes – Applicable Law and Venue

Any dispute arising out of this agreement will be resolved under the laws of the state of North Dakota.

SECTION SIX

EVALUATION CRITERIA AND CONTRACTOR SELECTION

Basis of Award

A contract will be awarded on the basis of information contained within the proposals, as well as information obtained from outside sources.

The state reserves the right to accept and/or reject any and/or all proposals and to award a contract that the state considers the most advantageous to the state and its citizens.

The state reserves the right to make an award without further discussion of the proposal submitted. The proposal should be initially submitted on the most favorable terms the grant applicant can offer. The grant applicant shall specifically stipulate that the proposal is predicated upon the acceptance of all terms and conditions stated in the RFP. It is understood that the proposal will become a part of the official file on this matter, without obligation to the state.

The state may, at its sole discretion, select or reject individual items proposed by the grant applicant. The state may find it necessary to add or delete services from the grant applicant's proposal to make equivalent evaluation comparisons.

The evaluation process is designed to award the contract not necessarily to the proposal of least cost, but rather to that grant applicant with the best combination of attributes based upon the evaluation criteria.

Grant applicants who are eliminated from further competition will be mailed notification by the state as soon as practical.

SECTION SEVEN

PROPOSAL FORMAT AND CONTENT

Proposal Format and Content

The state discourages overly-lengthy and costly proposals; however, in order for the state to evaluate proposals fairly and completely, grant applicants must follow the format set out in this RFP and provide all information requested.

Introduction

Proposals must include the complete name and address of the grant applicant's firm and the name, mailing address, and telephone number of the person the state should contact regarding the proposal.

Proposals must confirm that the grant applicant will comply with all provisions in this RFP. The proposal must disclose any instances where the firm or any individuals working on the contract have a possible conflict of interest and, if so, the nature of that conflict (e.g., employed by the state of ND).

Proposals must be signed by a company officer empowered to bind the company. A grant applicant's failure to include these items in the proposals may cause the proposal to be determined to be non-responsive, and the proposal may be rejected.

Statewide Traffic and Criminal Software (TraCS) Coordinator Proposal and Understanding of the Project

Grant applicants must provide narrative statements that illustrate their understanding of the requirements of the project, deliverables, project schedule, and contract terms and conditions. Grant applicants must also identify any pertinent issues and potential problems related to the program.

Work Plan (Demonstrated Ability to Perform the Services)

Grant applicants must provide narrative statements that set forth the management plan they intend to follow, and illustrate how the plan will serve to accomplish the work and furnish the deliverables described in the scope of work within the state's project schedule.

Cost Proposal

Grant applicants must provide a budget narrative and a one-page budget.

The work is to be performed, completed, and managed at the local level. The state **will not** provide workspace for the contractor. The grant applicant should include in its price proposal:

transportation, lodging, and per diem costs that may occur for the work described in the scope of work within the state's project schedule.

SECTION EIGHT

STANDARD PROPOSAL INFORMATION

Authorized Signature

An individual authorized to bind the grant applicant to the provisions of the RFP must sign all proposals.

State Not Responsible for Preparation Costs

The state will not pay any costs associated with the preparation, submittal, presentation, or evaluation of any proposal.

Conflict of Interest

Grant applicants must disclose any instances where the firm or any individuals working on the contract have a possible conflict of interest and, if so, the nature of that conflict (e.g., employed by the state of ND). The state reserves the right to cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the grant applicant's proposal. The state's determination regarding any questions of conflict of interest is final.

Grant Applicant's Certification

By signature on the proposal, a grant applicant certifies that it complies with:

1. The laws of the state of North Dakota;
2. North Dakota Administrative Code;
3. All applicable local, state, and federal laws, code, and regulations;
4. The applicable portion of the Federal Civil Rights Act of 1964;
5. The Equal Employment Opportunity Act and the regulations issued by the federal government;
6. The Americans With Disabilities Act of 1990 and the regulations issued by the federal government;
7. All terms, conditions, and requirements set forth within this RFP;
8. A condition that the proposal submitted was independently arrived at, without collusion;
9. A condition that the offer will remain open and valid for the period indicated in this solicitation; and
10. A condition that the firm and any individuals working on the contract do not have a possible conflict of interest (e.g., employed by the state of ND)

If any grant applicant fails to comply with the provisions stated in this paragraph, the state reserves the right to reject the proposal, terminate the contract, or consider the contractor in default.

Amendments to Proposals and Withdrawals of Proposals

Grant applicants may amend or withdraw proposals prior to the deadline set for receipt of proposals. No amendments will be accepted after the deadline unless they are in response to the state's request. After the deadline, grant applicants may make a written request to withdraw proposals and provide evidence that a substantial mistake has been made. The program manager may permit withdrawal of the proposal upon verifying that a substantial mistake has been made, and the state may retain the grant applicant's bid bond or other bid type of bid security, if one was required.

Alternate Proposals

Grant applicants may submit only one proposal for evaluation.

Alternate proposals (proposals that offer something different than what is requested) will be considered.

Disclosure of Proposal Contents and Compliance with ND Open Records Laws

All proposals and other material submitted become the property of the state and may be returned only at the state's option. All proposals and related information, including detailed cost information, are exempt records and will be held in confidence until an award is made, in accordance with N.D.C.C. § 54-44.4-10(2).

Grant applicants may make a written request that trade secrets and other proprietary data contained in proposals be held confidential. Material considered confidential by the Grant applicant must be clearly identified, and the grant applicant must include a brief statement that sets out the reasons for confidentiality. See the North Dakota Office of the Attorney General Web site for additional information. (www.ag.nd.gov/OpenRecords/ORM)

Evaluation of Proposals

All proposals will be reviewed to determine if they are responsive to the requirements of this solicitation. An evaluation committee will evaluate responsive proposals. The evaluation will be based solely on the evaluation factors set forth in this RFP. The evaluation will consider information obtained subsequent to any discussions with grant applicants determined to be reasonable for award and any demonstrations, oral presentations, or site inspections, if required in this RFP.

Evaluation Criteria

Quality of Proposal/Scope of Work – Vendor’s understanding of current functions and how proposed solutions meet the specific requirements of the department.

Ability to Perform Services – Demonstrate ability to perform services. Vendors must show specific experiences with customers of size and environment similar to NDDOT.

Quality of staff – Staff knowledge of traffic records and traffic safety issues.

Past and Present Business Relationships – Letters of recommendation based on experience in project management and system development.

Cost Benefit Analysis – Current operations, cost benefit analysis of new enhancements and implementation, cost savings broken down in the following categories; labor, postage, maintenance, and equipment.

Cost – Overall proposed budget.

Right of Rejection

The state reserves the right to reject any proposals, in whole or in part. Proposals received from debarred or suspended vendors, under N.D.C.C. § 54-44.4-09, will be rejected. The program manager may reject any proposal that is not responsive to all of the material and substantial terms, conditions, and performance requirements of the RFP.

Grant applicants may not qualify the proposal nor restrict the rights of the state. If a grant applicant does so, the program manager may determine the proposal to be a non-responsive counteroffer, and the proposal may be rejected.

The program manager may waive minor informalities that:

- Do not affect responsiveness;
- Are merely a matter of form or format;
- Do not change the relative standing or otherwise prejudice other offers;
- Do not change the meaning or scope of the RFP;
- Are insignificant, negligible, or immaterial in nature;
- Do not reflect a material change in the work; or
- Do not constitute a substantial reservation against a requirement or provision.

The state reserves the right to reject any proposal determined to be non-responsive, and to reject the proposal of a grant applicant determined to be not responsible. The state also reserves the right to refrain from making an award if it determines it to be in its best interest.

Clarification of Offers

In order to determine if a proposal is reasonably susceptible for award, communications by the program manager or the proposal evaluation committee are permitted with a grant applicant to clarify uncertainties or eliminate confusion concerning the contents of a proposal and determine responsiveness to the RFP requirements. Clarifications may not result in a material or substantive change to the proposal. The initial evaluation may be adjusted because of a clarification under this section.

Contract Negotiation

After final evaluation, the program manager may negotiate with the Grant applicant of the highest-ranked proposal. Negotiations, if held, will be within the scope of the RFP and limited to those items that would not have an effect on the ranking of proposals. If the highest-ranked grant applicant fails to provide necessary information for negotiations in a timely manner, or fails to negotiate in good faith, the state may terminate negotiations and negotiate with the grant applicant of the next highest-ranked proposal.

If contract negotiations are begun, they will be held:

PLACE:	NDDOT Office of Traffic Safety
FLOOR, ROOM NUMBER:	Second Floor, Room 230
STREET ADDRESS:	608 East Boulevard Avenue
CITY, STATE:	Bismarck, ND

If contract negotiations are held, the grant applicant will be responsible for all costs including their travel and per diem expenses.

Failure to Negotiate

If the selected grant applicant:

- Fails to provide the information required to begin negotiations in a timely manner;
- Fails to negotiate in good faith;
- Indicates they cannot perform the contract within the budgeted funds available for the project; or
- If the grant applicant and the state, after a good faith effort, cannot come to terms, the state may terminate negotiations with the grant applicant initially selected and commence negotiations with the next highest-ranked grant applicant.

Notice of Intent to Award – Grant applicant Notification of Selection

After the completion of contract negotiation, the program manager will issue a written “Notice of Intent to Award” and send copies to all grant applicants. The scores and placement of other grant applicants will not be part of the Notice of Intent to Award.

Successful grant applicants named in the Notice of Intent to Award are advised not to begin work, purchase materials, or enter into subcontracts relating to the project until both the successful grant applicant and the state sign the contract.